

REMARKS

Claims 24-31 are presented for examination in this application, and have been amended to define still more clearly what Applicant regards as his invention. Claims 24, 26, 28 and 30 are independent claims.

Claims 24-31 were rejected under 35 U.S.C. § 103(a) as being obvious from unpatentable over the admitted prior art in view of U.S. Patent 5,559,554 (Uekane et al.).

Independent Claim 24 is directed to an image processing apparatus that comprises an image capture unit, and a memory to store a first image captured by the image capture unit. A first and a second superimposing unit respectively superimpose a second image and a third on the first image read from the memory, and a display unit displays the first image on which the second image is superimposed. An outputting unit outputs the first image on which third image is superimposed from the image processing apparatus. Also, according to Claim 24, the image processing apparatus performs a process of rotating the second image according to a rotation of the image processing apparatus before the second image is superimposed on the first image.

As is noted in the Office Action, the admitted prior art does not teach or suggest two superimposing units, as recited in Claim 24, and relies upon *Uekane* for that feature.

Uekane relates to a video camera having a monitor screen, in which character data is superimposed on a video picture signal that is to be outputted to a VTR portion. In one mode (the self-image picture taking mode), a selection is made between two ways of reading the character data out of a memory where it is stored, and in this mode

the monitor screen driver horizontally inverts the picture so that what appears is a mirror image of the usual picture.

The portion of *Uekane* (col. 14, lines 22-36) cited by the Office Action as showing rotation of a character, however, actually describes rotating both the video image and the text, and this processing is carried out when the apparatus is operating in the mentioned self-image picture taking mode, in which the *monitor* is rotated into the upside-down position, while the camera portion itself remains upright (joint portion 3 is provided specifically to make this possible; see col. 1, lines 46-52). In *Uekane*, therefore, what is intended is not to change the right-side-up orientation of the camera portion, but only that of the monitor portion. It is not seen how a person of only ordinary skill would have been motivated by anything in *Uekane* to perform any processing based on a rotation of the whole apparatus, since nothing in that patent appears to relate to modifying the processing based on a rotation of anything but the monitor portion alone. For at least that reason, Claim 24 is believed clearly to be allowable over the proposed combination of the admitted prior art and *Uekane*, assuming for argument's sake that the proposed combination would be a permissible one.

Independent Claims 26, 28 and 30 all recite that the second image is rotated based on rotation of the apparatus, not just of a display portion, and therefore are each believed to be allowable over the art applied against them for the same reasons as is Claim 24.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at

least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. Entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, she is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


Attorney for Applicant

Registration No. 29 286

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 401046 v1